



COMMONWEALTH OF VIRGINIA

HOUSE OF DELEGATES

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December 20, 2021

Ms. Muriel-Theresa Pitney
Clerk of the Supreme Court of Virginia
100 N. 9th St.
Richmond, VA 23219

Dear Madam Clerk:

The House Democratic Caucus submitted two maps: the first is drawn “from scratch” (hereinafter “Democratic Map #1”) and the second makes modifications to the map crafted by the Special Masters (hereinafter “Democratic Map #2”). Both maps are simply a power grab by the Democratic Party that opposed the bipartisan commission.

The first map is the aspirational map of the Democrats, and it represents their model plan. It should be rejected out of hand. Contrary to the assertion of the Democrats, it is in no way “balanced and fair.”

First, it does not comply with maintenance of communities of interest. District #64 stretches and winds from the bedroom community of Colonial Heights through rural communities to Smithfield. District #88 stretches from the Fredericksburg suburbs in Spotsylvania to Greene County. District #25 is split by the Blue Ridge mountains, and given that there is not even a road connection between the two parts, its delegate would have to go outside his / her district to drive from Page County to Madison County.

The winding nature of the districts is reflected in the map’s compactness score that shows the districts are not compact — and they are less compact overall than the maps drawn by the Masters. This lack of compactness exposes the unbalanced and unfair basis for the Democratic maps. As one example of many, to unpair Delegate Rip Sullivan, District #48 stretches across three jurisdictions, Fairfax County, Arlington, and Alexandria. (This of course is additionally not a community of interest.) Similarly, in addition to the District #25 noted above, District #100 connects the Eastern Shore with a portion of Norfolk which cannot be reached by bridge, and would require the delegate to drive through another district simply to meet with his constituents. Similarly gerrymandered districts abound in Democratic Map #1.

The map’s partisan intent is especially obvious from the pairings included therein. The map makes tortured efforts to unpair Democratic incumbents. See, for example, District #31, where Delegate Guzman’s residence is carefully carved out of District #52 and placed in District #31. Despite obviously knowing of the addresses of elected officials, the map pairs numerous Republican delegates and delegate-elects: (1) Delegate Will Morefield and Delegate Jeff Campbell in District #3; (2) Delegate James Edmunds and Delegate Les Adams in District #16; (3) Delegate Jay Leftwich and Delegate Barry Knight in District #81, although there is an “empty” district #78 adjacent; (4) Delegate Lee Ware and Delegate-elect Kim Taylor in District #65; (5) Delegate Kathy Byron and Delegate Chris Head in District #17; and (6) Delegate Joe McNamara and Delegate-elect Marie March in District #6. This last is especially obvious, as Delegate McNamara’s residence is less than 100 yards from the boundary for the new empty district #8. The map also pairs Republican Delegate Emily Brewer and Democratic Delegate Clint Jenkins in District #76, but District #76 is a district

with a significant Democratic advantage as drawn. Indeed, the only apparent pairing of Democratic incumbents is District #94, which currently contains Delegate Mike Mullin and Delegate Shelley Simonds, but Delegate Mullin has already announced his intention to move to Williamsburg, which is – conveniently – in an empty seat (District #93). In short, the Democratic map would pair and thereby eliminate 7 Republican incumbents and not a single Democrat.

The true purpose of the map is to entrench an unassailable Democratic majority for the next decade, and this can be demonstrated by the scalpel-like precision of the districts drawn. From the Special Masters memorandum, we gather that the Special Masters used data from the 2017 Attorney General race without allocating Central Absentee voters to their individual precincts. Using this data, the median 50th and 51st most Democratic districts returned 55.08% and 54.77% in favor of Democrats, and this is notwithstanding the geographic advantage that the Special Masters noted for the Republicans. In other words, Democratic Map #1 is much more politically disproportionate than the Special Masters' map. This can be more easily observed in the actual election results for the proposed districts. Although the Democratic statewide candidate obtained 53.3% of the vote, he would have won a majority in 61 seats under the Democratic Map #1. This map is a direct effort to ensure Democratic majorities.

In sum, Democratic Map #1 does not comply with the map drawing criteria identified by the court and is simply a political effort by the Democratic party to overturn what Virginia voters placed in the Constitution. It should be rejected out of hand.

Democratic Map #2 is intended to protect specific identified Democratic incumbents, sometimes at the expense of others, and to do it under the obviously false guise of promoting communities of interest. In doing this, Democrats seek to use their maps to choose the winners and losers in the next election. For example, to unpair Delegate David Bulova, two precincts are swapped between Districts 10 and 11, extending tendrils into each and making them both less compact. To unpair Delegate Vivian Watts, one precinct is moved from District 15 to District 14. To unpair Delegate Luke Torian, the already uncompact District 19 is extended even further, and the district is clearly not a community of interest as it extends from Mount Vernon to Woodbridge. The Map also modifies the boundary between Districts #78 and #79 in Richmond, which has the effect of moving Delegate Bourne into the same district as Delegate McQuinn.

Democratic Map #2 purports to address communities of interest, but Democratic Leadership who submitted the map would have the Court and Special Masters believe that the transfer of the handful of precincts just so happened to always unpair senior incumbents who had been paired in the Special Masters' map. Democratic Map #2 would: 1) unpair the current Speaker who drafted the letter to the Special Masters; 2) unpair the current chair of the House Appropriations Committee; 3) unpair the current chair of the House Finance Committee; and 4) unpair the current chair of the House General Laws Committee. It would also move a member of the Black Caucus into a District with another member of the Black Caucus, ensuring the loss of at least one member of the Black Caucus.

This Court should reject the calculated and partisan efforts of the Democrats in these two plans, and it should not accept the efforts of the Democratic party to undermine the will of the people of the Commonwealth of Virginia.

For the foregoing reasons, the two maps submitted by the Democrats should be rejected.

Regards,



C. Todd Gilbert
House Minority Leader